

	Portales Police Department	SOP #	102.03
		Date Revised:	
	Standard Operating Procedure & Policy	ADM. #	02.03
1700 N. Boston St. Portales NM, 88130	Search and Seizure	Effective Date	
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

I. POLICY

A. Search and Seizure

1. Definition:

- a. Police action is termed a search where (1) there is a prying into hidden places by the police officer: and (2) the person whose premises or person is being searched has a reasonable expectation of privacy.
- b. The Fourth Amendment guarantees the right for people to be free from unreasonable searches and seizures of their homes, persons and things. The Supreme Court is continuously interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for a lost criminal case. Additionally, an illegally conducted search invites civil suits under the Civil Rights Act. In order to ensure that Fourth Amendment rights are protected, officers will obtain search warrants upon probable cause in all appropriate criminal cases except for the following circumstances:
 1. [Consent searches](#)
 2. Emergency searches
 3. Plain view
 4. Abandoned property and open fields
 5. Executing warrants
 6. Incident to arrest
 7. Inventories